

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES", ARTICLE XI "WRECKERS AND TOWING SERVICE", DIVISION 3 "NON-CONSENSUAL PRIVATE TOWING SERVICES", SECTIONS 70-707, 70-708, PROVIDING FOR THE SETTING OF RATES AND REQUIREMENTS FOR NON-CONSENSUAL TOWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds it necessary for the protection of the public's health, safety and welfare to amend regulations governing nonconsensual tows; and

WHEREAS, the City Commission is expressly authorized to enact the provisions below in accordance with Florida Statute Sections 166.043(1) (b) and 715.07; and

WHEREAS, the City Commission desires to specify insurance requirements and permit a rate adjustment that is consistent with the charges for non-consensual tows provided by Monroe County.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 70-707 is hereby amended as follows:

**Sec. 70-707. - Maximum rates for nonconsensual towing services.**

(a) The maximum rate for nonconsensual private towing services shall be as follows:

- (1) ~~\$100.00~~ \$135.00 for mopeds, motorcycles, cars and vehicles/vessels weighing 10,000 pounds or less.
- (2) ~~\$150.00~~ \$200.00 for vehicles/vessels weighing between 10,001 and 20,000 pounds.
- (3) ~~\$360.00~~ \$485.00 for vehicles/vessels weighing in excess of 20,000 pounds.

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Section 2: That section 70-708 is hereby amended as follows:

**Sec. 70-708. Non-consent tow truck company requirements.**

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(k) No person shall engage in non-consent or non-consensual private towing services unless that person maintains in effect an insurance policy which shall insure it for its liability at a minimum, as follows:

(1) For each tow truck, combined single limit of \$500,000.00; and

(2) For garage keeper's liability, not less than \$50,000.00 for each loss covering perils of fire and explosion, theft of a motor vehicle and parts or contents, riot and civil commotion, vandalism, malicious mischief, and for on-hook protection; and

(3) Workers compensation and employer's liability insurance as required by statute.

Section 3: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Read and passed on final reading at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Filed with the Clerk \_\_\_\_\_, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK